

**IDAHO
PUBLIC UTILITIES
Commission**

Philip E. Batt, Governor

P.O. Box 83720, Boise, Idaho 83720-0074

Ralph Nelson, President
Marsha Smith, Commissioner
Dennis S. Hansen, Commissioner

June 28, 1996

DOCKET FILE COPY ORIGINAL

VIA FEDERAL EXPRESS

Office of the Secretary
Federal Communications Commission
1919 M Street, NW
Washington, D.C. 20554

RE: FCC No. 96-254
CC Docket No. 96-128

Dear Secretary:

Enclosed for filing is an original and ten copies of the Idaho Public Utilities Commission's comments in the above referenced file. Also enclosed is an electronic version on disk. Please acknowledge receipt of this document by date-stamping the duplicate copy of this letter and returning it in the enclosed self-addressed, stamped envelope.

Sincerely

Susan Hamlin
Deputy Attorney General

SH:jo/umisc\comments.fcc\fcc96128 ltr

**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

IN THE MATTER OF

**IMPLEMENTATION OF THE
PAY TELEPHONE RECLASSIFICATION
AND COMPENSATION PROVISIONS OF THE
TELECOMMUNICATIONS ACT OF 1996**

CC Docket No. 96-128

RF 7 3
JUL 11 1996
FCC 2150

COMMENTS OF THE IDAHO PUBLIC UTILITIES COMMISSION

In reviewing the NPRM Idaho generally concurs with the FCC stated positions as they pertain to the pay telephone industry and the LEC or BOC involvement in this industry. However, there are two specific topics Idaho wishes to address in its comments.

I. Comments on the Establishment of Public Interest Payphones

While there are several options available to be addressed in this arena, Idaho, for several reasons, believes this issue is best resolved and implemented on a state basis rather than having a national policy drafted and implemented.

Idaho is a very rural state with a population density of less than 13 people per square mile. Currently public interest payphones are provided by the LEC under Idaho Public Utilities Commission mandate. Often these phones generate little revenue but are the only means of public telephone communication for miles. The Idaho Commission recognizes, that in some areas, the need for public pay telephones may be reduced or abrogated as cellular service becomes more prevalent.

However, it must be understood that because of Idaho's rural nature, cellular service is not ubiquitous nor is it likely to be in the foreseeable future.

With the aforementioned background, Idaho strongly urges the FCC to leave the implementation of public interest payphones at the state level. Idaho, as previously stated, has a policy and procedure in place for handling this small but important segment of the pay telephone industry. Idaho further recognizes the policy it has in place may need to be modified to meet the changing regulatory environment requiring private payphone subscribers to share in the provisioning of this service and further recognizes that all providers would be required to help fund this process.

II. Other Issues (Letterless Keypads)

With the advent of "vanity" access numbers, Idaho has been carefully watching to determine if Idaho private payphone providers are selectively blocking these access numbers. As a result of recent inspections by the Idaho Public Utilities Commission Staff, two vendors were cited for willfully blocking access to one of the "vanity" numbers. With the practice of selective blocking being utilized, Idaho is concerned that some providers will begin the process of keypad replacement (substituting letterless keypads for letter/number keypads) to prevent or make more difficult the use of "vanity" dialing patterns. Providers have an incentive to do this because although they will likely receive some form of dial around compensation (addressed elsewhere in this NPRM) that compensation will not equal the amount of compensation they would receive if callers used the OSP chosen by the payphone provider.

Idaho, therefore, encourages the FCC to prohibit the use of letterless keypads on any registered pay telephone equipment or replacement/repair dial pads. Modifying or amending the Part 68 rules is a reasonable method of implementing this requirement.

SUMMARY


Idaho believes the implementation of public interest payphones is best left at the state level. Our State has a thorough inspection process in place that provides on-site inspection of both LEC and private payphone equipment. This inspection process is designed to ensure that providers adhere to the various rules established by the FCC as well as the State.

During 1995 approximately 100 Idaho payphones were disconnected for major rule violations including blocking of 800 numbers, 10XXX and 950 access codes. Idaho payphone requirements include amplification of pay telephone equipment coupled with the appropriate labeling; specifications that mirror the Americans With Disabilities Act (ADA), listed in the Code of Federal Regulations at 28 C.F.R. Part 36 and inspections to ensure payphones comply with ADA height requirements and wheel chair accessibility requirements

Idaho recognizes that the payphones are a necessary and important segment of the communications industry. Idaho believes that constant vigilance by the local regulatory authority is necessary to ensure compliance with the rules established by the FCC as well as state commissions for the protection of the public. Idaho strongly urges the FCC to leave as much discretion and authority over public payphones at the state level as possible, within the constraints of the Telecommunications Act of 1996.

RESPECTFULLY submitted this 2nd day of June 1996.


RALPH NELSON, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


DENNIS S. HANSEN, COMMISSIONER

bls/N-fcc96128.sh

**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

RE 5 10

JUL 1 1996

FCC

LE 10

IN THE MATTER OF

**IMPLEMENTATION OF THE
PAY TELEPHONE RECLASSIFICATION
AND COMPENSATION PROVISIONS OF THE
TELECOMMUNICATIONS ACT OF 1996**

CC Docket No. 96-128

COMMENTS OF THE IDAHO PUBLIC UTILITIES COMMISSION

In reviewing the NPRM Idaho generally concurs with the FCC stated positions as they pertain to the pay telephone industry and the LEC or BOC involvement in this industry. However, there are two specific topics Idaho wishes to address in its comments.

I. Comments on the Establishment of Public Interest Payphones

While there are several options available to be addressed in this arena, Idaho, for several reasons, believes this issue is best resolved and implemented on a state basis rather than having a national policy drafted and implemented.

Idaho is a very rural state with a population density of less than 13 people per square mile. Currently public interest payphones are provided by the LEC under Idaho Public Utilities Commission mandate. Often these phones generate little revenue but are the only means of public telephone communication for miles. The Idaho Commission recognizes, that in some areas, the need for public pay telephones may be reduced or abrogated as cellular service becomes more prevalent.

However, it must be understood that because of Idaho's rural nature, cellular service is not ubiquitous nor is it likely to be in the foreseeable future.

With the aforementioned background, Idaho strongly urges the FCC to leave the implementation of public interest payphones at the state level. Idaho, as previously stated, has a policy and procedure in place for handling this small but important segment of the pay telephone industry. Idaho further recognizes the policy it has in place may need to be modified to meet the changing regulatory environment requiring private payphone subscribers to share in the provisioning of this service and further recognizes that all providers would be required to help fund this process.

II. Other Issues (Letterless Keypads)

With the advent of "vanity" access numbers, Idaho has been carefully watching to determine if Idaho private payphone providers are selectively blocking these access numbers. As a result of recent inspections by the Idaho Public Utilities Commission Staff, two vendors were cited for willfully blocking access to one of the "vanity" numbers. With the practice of selective blocking being utilized, Idaho is concerned that some providers will begin the process of keypad replacement (substituting letterless keypads for letter/number keypads) to prevent or make more difficult the use of "vanity" dialing patterns. Providers have an incentive to do this because although they will likely receive some form of dial around compensation (addressed elsewhere in this NPRM) that compensation will not equal the amount of compensation they would receive if callers used the OSP chosen by the payphone provider.

Idaho, therefore, encourages the FCC to prohibit the use of letterless keypads on any registered pay telephone equipment or replacement/repair dial pads. Modifying or amending the Part 68 rules is a reasonable method of implementing this requirement.

SUMMARY


Idaho believes the implementation of public interest payphones is best left at the state level. Our State has a thorough inspection process in place that provides on-site inspection of both LEC and private payphone equipment. This inspection process is designed to ensure that providers adhere to the various rules established by the FCC as well as the State.


During 1995 approximately 100 Idaho payphones were disconnected for major rule violations including blocking of 800 numbers, 10XXX and 950 access codes. Idaho payphone requirements include amplification of pay telephone equipment coupled with the appropriate labeling; specifications that mirror the Americans With Disabilities Act (ADA), listed in the Code of Federal Regulations at 28 C.F.R. Part 36 and inspections to ensure payphones comply with ADA height requirements and wheel chair accessibility requirements.

Idaho recognizes that the payphones are a necessary and important segment of the communications industry. Idaho believes that constant vigilance by the local regulatory authority is necessary to ensure compliance with the rules established by the FCC as well as state commissions for the protection of the public. Idaho strongly urges the FCC to leave as much discretion and authority over public payphones at the state level as possible, within the constraints of the Telecommunications Act of 1996.

RESPECTFULLY submitted this 28th day of June 1996.


RALPH NELSON, PRESIDENT


MARSHA H. SMITH, COMMISSIONER


DENNIS S. HANSEN, COMMISSIONER

bls/N-fcc96128.sh

DOCUMENT OFF-LINE

This page has been substituted for one of the following:

- o An oversize page or document (such as a map) which was too large to be scanned into the RIPS system.

- o Microfilm, microform, certain photographs or videotape.

- ☒ Other materials which, for one reason or another, could not be scanned into the RIPS system.

DISKETTE

The actual document, page(s) or materials may be reviewed by contacting an Information Technician. Please note the applicable docket or rulemaking number, document type and any other relevant information about the document in order to ensure speedy retrieval by the Information Technician.